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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,639	07/29/2003	Stephen Edward Decker	58551-8001.US01	8275
22918	7590	12/27/2007		
PERKINS COIE LLP P.O. BOX 2168 MENLO PARK, CA 94026			EXAMINER PHAM, THOMAS K	
			ART UNIT 2121	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.	Applicant(s)	
10/630,639	DECKER, STEPHEN EDWARD	
Examiner	Art Unit	
Thomas K. Pham	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Applicant's arguments with respect to claims 3-22 have been considered but are moot in view of the new ground(s) of rejection.

Quotations of U.S. Code Title 35

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 103

4. Claims 3, 4, 7-11, 15, 16, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0195441 ("Firouzgar") in view of U.S. Patent No 6,640,140 ("Lindner") and further in view of U.S. Patent No. 6,575,802 ("Yim").

Regarding claim 3

Firouzgar teaches a system for controlling an electromechanical device comprising: a network [e.g. paragraph 31 "Internet"]; a first computer coupled to the network [e.g. FIG. 5, "activation device 53"], a second computer coupled to the network [e.g. FIG. 5 "system 55"] and a wireless transmitter [e.g. FIG. 5 "wireless transmitter 55" and paragraph 0031], the second computer

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executing a software module capable of receiving the command request and sending the command request through the wireless transmitter [e.g. paragraph 0028 “System 51 transmits a radio frequency signal that is received by locket 41 and wearable stimulation device 1. The radio frequency signal contains information that selectively actuates one or the other or both of the locket 41 and wearable stimulation device 1”]; an electromechanical device for entertainment capable of receiving the command request from the wireless transmitter [e.g. paragraph 0026]; wherein, the first user uses the first computer to send the command request over the network to the second computer, wherein the second computer receives the command request and wirelessly transmits the command request to the electromechanical device to entertain a second user [e.g. paragraph [e.g. paragraph 0028, “activation device 53 (first computer) send a command request to system 51 (second computer), system 51 transmits the command wirelessly to locket 41 to stimulate a second user].

Firouzgar does not specifically teach the first computer executing a web browser representing a graphical control panel, the graphical control panel capable of receiving a command request from a first user; wherein, an animated display emulating the behavior of the electromechanical device is displayed on the first computer.

However, Lindner discloses a user of a remote computer uses a browser having a graphical user interface, the graphical user interface capable of communicating with web pages stored in a controller as requested by the user (e.g. col. 4 lines 35-59).

Firouzgar and Lindner are analogous art because they are in the same field of endeavor of controlling of a remotely located device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the web browser graphical user interface of Lindner with the teaching of Firouzgar because it would provide for the purpose of gathering data relevant to a control function and presenting the data for display in a predetermined format.

Furthermore, Yim teaches a visual/audio display which provides a display to support a metaphor for the system to indicate the simulated emotions of the device (e.g. col. 6 lines 5-12 and lines 17-24, “the modular robotic system to behave in a manner appropriate for a desire metaphor”).

Firouzgar and Yim are analogous art because they are in the same field of endeavor of controlling a device.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the metaphor of behaviors of Yim with the teaching of Firouzgar because it would provide for the purpose of displaying feedback of a device’s behaviors to a user.

Regarding claim 21

Firouzgar teaches a method for controlling an entertainment device comprising: providing a first computer [e.g. FIG. 5, “activation device 53”]; providing a second computer [e.g. FIG. 5, “system 51”]; sending of a command request by a first user [e.g. paragraph 0028, “from activation device 53 a user may enter a code or phone number that uniquely identifies locket 41 or stimulation device 1”]; receiving the command request by the second computer; sending the command request wirelessly to the entertainment device; applying the command by the electromechanical device for the entertainment of a second user [e.g. paragraph 0028, “activation

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device 53 (first computer) send a command request to system 51 (second computer), system 51 transmits the command wirelessly to locket 41 to stimulate a second user].

Firouzgar does not specifically teach the first user using a graphical browser interface through a web browser on the first computer; wherein, an animated display emulating the behavior of the electromechanical device is displayed on the first computer.

However, Lindner discloses a user of a remote computer uses a browser having a graphical user interface, the graphical user interface capable of communicating with web pages stored in a controller as requested by the user (e.g. col. 4 lines 35-59).

Firouzgar and Lindner are analogous art because they are in the same field of endeavor of controlling of a remotely located device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the web browser graphical user interface of Lindner with the teaching of Firouzgar because it would provide for the purpose of gathering data relevant to a control function and presenting the data for display in a predetermined format.

Furthermore, Yim teaches a visual/audio display which provides a display to support a metaphor for the system to indicate the simulated emotions of the device (e.g. col. 6 lines 5-12 and lines 17-24, “the modular robotic system to behave in a manner appropriate for a desire metaphor”).

Firouzgar and Yim are analogous art because they are in the same field of endeavor of controlling a device.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the metaphor of behaviors of Yim with the teaching of Firouzgar because it would provide for the purpose of displaying feedback of a device's behaviors to a user.

Regarding claim 4

Firouzgar, Lindner and Yim teach a system as recited in claim 3 (e.g. above rejection of claim 3) but do not specifically disclose the transmitter is coupled to the second computer through a universal serial bus (USB) interface. However, the concept and advantages of using a universal serial bus (USB) interface for connecting between two computers is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the USB interface for connecting between two computers to the system of Firouzgar because it would provide for communicating between digital devices and for faster data transfer than the normal serial connector.

Regarding claim 7

Firouzgar, Lindner and Yim teach wherein the web browser displays an animated representation of the electromechanical device as rejected above in claim 3.

Regarding claim 8

Firouzgar, Lindner and Yim teach wherein, in operation, the web browser is used to input desired behaviors which are displayed by the animated representation as rejected above in claim 3.

Regarding claim 9

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Firouzgar, Lindner and Yim teach wherein the animated representation displays an animated image of the electromechanical device, the animated representation mimicking the physical operation of the electromechanical device as rejected above in claim 3.

Regarding claim 10

Firouzgar teaches a server coupled to the first and second computer, the server capable of receiving the command request and transmitting the command request to the second computer over the network [e.g. paragraph 0028].

Regarding claim 11

Lindner teaches the server is able to serve a customizable web interface to the first computer, the customizable web interface capable of being used as an interface for controlling the electromechanical device [e.g. col. 4 lines 35-59].

Regarding claim 15

Firouzgar teaches the electromechanical device has a stimulation apparatus [e.g. paragraph 0026].

Regarding claim 16

Firouzgar teaches wherein the stimulation apparatus is responsive to the command request [e.g. paragraph 0029].

Regarding claim 22

Firouzgar teaches the entertainment provided is stimulation of the second user's body [e.g. paragraph 0025].

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5. Claims 5, 6, 12-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0195441 ("Firouzgar") in view of U.S. Patent No. 6,640,140 ("Lindner") and further in view of U.S. Patent No. 6,575,802 ("Yim") and further in view of U.S. Patent Application Publication No. 2004/0260518 ("Polz").

Regarding claims 5,6 and 17

Firouzgar, Lindner and Yim teaches a system as recited in claim 3 with a first and a second computer (see above rejection of claim 3), but do not teach a third computer coupled to the network or one or more additional computers coupled to the network, a second web browser.

However, Polz teaches operation of automation components with a third computer couple to the network to access the plurality of devices using individual servers using separate application [e.g. paragraph 0014].

Firouzga and Polz are analogous art because they are in the same field of endeavor of controlling of a remotely located device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the third device of Polz with the system of Firouzga for the purpose of sending commands from separate users with separate web-enable graphical program.

Regarding claim 12

Polz teaches wherein the server is coupled to the one or more computers, and the server is capable of receiving the command requests from the one or more additional computers and provide the command requests to the second computer [e.g. paragraph 0014].

Regarding claim 13

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Firouzga teaches wherein the server includes logic able to determine which command request to send in the event of conflicting command requests [e.g. paragraph 0031].

Regarding claim 14

Firouzga teaches wherein the logic determines which command request to send to the software module by the number of command requests received for the command [e.g. paragraph 0026].

6. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0195441 ("Firouzar") in view of U.S. Patent No. 6,575,802 ("Yim").

Regarding claim 18

Firouzar teaches an electromechanical device comprising: a communication device configured to receive a command from a remote computer transmitted over a network [FIG. 5 "system 51" and paragraph 0028 "Activation device 53 accesses a wireless transmitter 55 of system 51"]; a command logic coupled to the communication device, the command logic capable of receiving the command from the communication device, and the command logic configured to apply the command [e.g. paragraph 0026 "Circuit 27 includes a microprocessor 35 that is utilized to detect specific addresses and functionalities that are received via the wireless signals"]; a stimulation device coupled to the command logic and responsive to the applied command [e.g. paragraph 0026 "to control the vibrator 23" and paragraph 0028 "System 51 transmits a radio frequency signal that received by locket 41 and wearable stimulation device 1"]; wherein, the stimulation device is configured to be applied to a user's body [e.g. paragraph 0025 "The simulation device 1 is wearable on the body"].

Firouzgar does not specifically teach an animated display emulating the behavior of the electromechanical device is displayed on the first computer.

Furthermore, Yim teaches a visual/audio display which provides a display to support a metaphor for the system to indicate the simulated emotions of the device (e.g. col. 6 lines 5-12 and lines 17-24, “the modular robotic system to behave in a manner appropriate for a desire metaphor”).

Firouzgar and Yim are analogous art because they are in the same field of endeavor of controlling a device.

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the metaphor of behaviors of Yim with the teaching of Firouzgar because it would provide for the purpose of displaying feedback of a device’s behaviors to a user.

Regarding claim 19

Yim teaches a feedback capability from a device to a user that shows the state of the system and logic responsive to the state of the device, and provides a display to support a metaphor that simulating behavior of a device (e.g. col. 6 lines 5-12 and lines 17-24).

Regarding claim 20

Firouzgar teaches a electromechanical device as recited in claim 18 [see rejection of claim 18 above], wherein the communication device receives the command request wirelessly from a local computer [e.g. FIG. 5 and paragraph 0028 “System 51 transmits a radio frequency signal that received by locket 41”], wherein the local computer receives the command request from the

remote computer [e.g. paragraph 0031 “the communication between transmitter 55 and activation device 53 may be an Internet connection”].

Response to Arguments

In the remarks, applicant argues that cite reference fails to teach:

- I) “executing a web browser representing a graphical control panel, the graphical control panel capable of receiving a command request from a first user” as to claim 1 and 21.
- II) “an animated display emulating the behavior of the electromechanical device is displayed on the first computer” as to claim 1, 21 and 18.

In response to applicant’s arguments,

I) New prior art Lindner (USPN 6,640,140) teaches a controller for controlling one or more input/output devices, the controller capable of interacting with a remotely located computer via the Internet as described in column 2 lines 43-58. A user of the remote computer uses a browser having a graphical user interface, the graphical user interface capable of communicating with web pages stored in a controller as requested by the user as described in column 4 lines 35-59.

Thus Lindner taught the limitations as claimed.

II) Prior art Yim (USPN 6,575,802) teaches controlling of a robotic toy modules capable of providing feedback to a user including showing a display to support a metaphor for the system to indicate the simulated emotions of a device in this case is a modular robotic system as described in column 6 lines 5-12. With the assist of sensors, the modular robotic system is behaved in a

manner appropriate with the metaphor currently display to the user as described in column 6 lines 20-24. Thus it clearly shown in Yim that the metaphor of Yim does represent a behavior of a device. Therefore, Yim taught the limitations as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. David Vincent* at (571) 272-3080.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner



December 20, 2007